THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 14th November, 2006

W.P.No.30137 of 1995

Between:

M.V. Rajeswar … Petitioner

and

The Manager, State Bank of
Hyderabad, Personal Administration
Department, Head Office,
Hyderabad-500 177, A.P.
and another … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the 1st respondent to absorb the petitioner as a Peon/sub-Staff on 1/3rd scale wages in the existing vacancies.

It appears that the petitioner was a temporary employee of the 1st respondent-Bank and worked for 268 days during the years 1980 to 1983 and subsequently at Head Office for 89 days in the year 1987 on daily wage basis. Therefore, according to the petitioner, he became qualified and eligible for being considered for absorption as a temporary peon/sub-staff on 1/3rd scale wages. Respondent No.1 sent a call letter dated 23-12-1986 directing him to appear for interview at 10.30 a.m. on 9-1-1987 for his absorption as a temporary peon/sub-staff on 1/3rd scale wages. Accordingly, he appeared for the interview and was selected. His name was kept in the waiting list for appointment as peon/sub-staff in any Branch of the respondent-Bank where the vacancies exist. He prepared to report for duty at any branch of the Bank. In the interviews and selections conducted on 9-1-1987, his original certificates were checked and were kept with the 1st respondent for issuing necessary posting orders. He is at Serial No.2 in the waiting list; but, sofar he has not been given posting orders. The persons, who are at Serial Nos.1,3 and 4 in the waiting list have already been given posting Orders. He is discriminated without giving

any posting orders, while appointing his juniors.

It seems during the pendency of the Writ Petition, on coming to know as to existence of Circular No.PER/Gr/VI/1392, dated 23-5-1991 issued by the Personnel Administration Department of the respondent-Bank, he filed WPMP No.20626 of 1996 to consider his case for appointment as peon or Messenger as per the said circular. This Court by an interim order dated 22-8-1996 directed the respondents to consider the case of the petitioner in terms of the said Circular dated 23-5-1991. Even then, according to the petitioner, he has not been appointed.

A detailed counter affidavit has been filed by the respondents stating that though paper advertisement was given calling the persons who are working on temporary basis to appear for interview, the petitioner did not avail the opportunity. Therefore, it must be deemed that he is not interested in the post. Petitioner filed a reply to the counter stating that no particulars have been given in the counter as to on what date the notification was given by the 2nd respondent asking the petitioner and other similarly placed persons for attending interview etc.

It is not the case of the respondents that the petitioner is not entitled for being considered as per the Circular dated 23-5-1991. It is the case of the respondents that the petitioner did not attend for interview when a notification was given. The respondents have not given the dates of notification and details as to in which newspaper the same was published and applications were invited, for blaming the petitioner that he did not attend the interview. Petitioner asserted the same in the reply filed by him, but there is no rejoinder filed by the respondents. In view of the above, the respondents are directed to consider the case of the petitioner for absorption as temporary

peon/sub-staff as per Circular No.PER/Gr.VI/1392, dated 23-5-1991 in the existing or in any future vacancies, subject to condition that he is otherwise eligible and qualified for being appointed to that post.

With the above direction, the Writ Petition is disposed of. No order as to costs.

14-11-2006

prk